

Acupuncture Laws

45:2C-1. Purpose of act

The purpose of this act is to establish the more effective provision of acupuncture services in this State in order to encourage the use thereof by the residents of this State who pursue this form of health care treatment and to protect the public health, safety and welfare.

L.1983, c. 7, s. 1, eff. Jan. 18, 1983.

45:2C-2. Definitions

As used in this act:

a. "Acupuncture" means the stimulation of a certain point or points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain diseases or dysfunctions of the body and includes the techniques of electroacupuncture, mechanical stimulation and moxibustion.

b. "Board" means the Acupuncture Examining Board.

c. "Electroacupuncture" means the therapeutic use of weak electric currents at acupuncture loci.

d. "Moxibustion" means the therapeutic use of thermal stimulus at acupuncture loci by burning artemisia.

L.1983, c. 7, s. 2, eff. Jan. 18, 1983.

45:2C-3. Acupuncture examining board; creation; members; appointment; qualifications; term of office; vacancies; organization; duties; rules and regulations

There is created in the Division of Consumer Affairs of the Department of Law and Public Safety and under the State Board of Medical Examiners an Acupuncture Examining Board consisting of nine members, four of whom shall be acupuncturists certified in this State and not licensed as physicians and surgeons, two members shall be physicians and surgeons licensed in this State, with at least two years' experience in acupuncture; and pursuant to the provisions of section 2 of P.L.1971, c. 60 (C. 45:1-2.2), two members shall be public members who do not hold a license or certificate as a physician and surgeon or acupuncturist and one member shall be from a department in the Executive Branch of the State government. The four acupuncturists initially appointed to the board need not be certified in this State, but shall be certified in another state and shall be deemed to be and shall become certified acupuncturists in this State immediately upon their appointments as members of the board. The members of the board shall be

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residents of the State appointed by the Governor for terms of three years and until the appointment and qualification of their successors. Of the members initially appointed, three shall hold office for one year; three shall hold office for two years; and three shall hold office for three years. Vacancies shall be filled for the unexpired terms only.

The board shall organize as soon as possible after the appointment of its members and shall annually elect a chairman and a secretary from among its members. The board shall carry out the responsibilities assigned to it under this act and such other matters as the State Board of Medical Examiners may require. The board shall promulgate such rules and regulations as it deems necessary to effectuate the purposes of this act. All regulations adopted, amended or repealed by the board shall be subject to the review and approval of the State Board of Medical Examiners.

L.1983, c. 7, s. 3, eff. Jan. 18, 1983. Amended by L.1984, c. 76, s. 1.

45:2C-4. Records of proceedings; register of applications; annual list of certified and approved to supervise tutorial programs acupuncturists

The board shall keep a record of its proceedings under this act and a register of all applications for certification hereunder, which register shall include but not be limited to:

- a. The name and residence of each applicant;
- b. The date of the application;
- c. The applicant's place of business;
- d. Whether the applicant was rejected or a certificate was granted and the date of such action.

The board shall compile annually a list of certified acupuncturists authorized to practice in this State and approved acupuncturists authorized to supervise tutorial programs in this State. This list shall be available to the public.

L.1983, c. 7, s. 4, eff. Jan. 18, 1983.

45:2C-5. Standards governing practice of acupuncture

- a. The State Board of Medical Examiners, after consultation with the board, shall establish standards governing the practice of acupuncture, including but not limited to:

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(1) Initial acupuncture treatment shall only be performed on presentation by the patient of a referral by or diagnosis from a licensed physician. A diagnosis and preevaluation of the patient shall be made available to the treating acupuncturist by the referring or diagnosing physician. In each case an accurate and detailed clinical record shall be kept by the acupuncturist, which shall include the referring physician's preevaluation of the patient.

(2) An acupuncturist shall obtain informed written consent from each patient, giving each patient a full explanation of the procedure to be performed and informing each patient of the possible complications which may result therefrom, before performing acupuncture.

(3) Only acupuncture devices labeled in accordance with United States Food and Drug Administration guidelines shall be used by acupuncturists.

b. The board may employ such personnel as it deems necessary for the administration of this act.

L.1983, c. 7, s. 5, eff. Jan. 18, 1983.

45:2C-6. Practices allowed by holder of certificate

A certificate issued pursuant to this act authorizes the holder thereof to engage in the practice of acupuncture and when used in connection therewith to perform or prescribe the use of oriental massage, surface stimulation of a certain point or combination of points on the body, breathing techniques and exercise to promote health.

L.1983, c. 7, s. 6, eff. Jan. 18, 1983.

45:2C-7. Uncertified persons; prohibited practices and titles; practice of acupuncture or employment of uncertified acupuncturist by physician or surgeon

No person who is not certified under this act shall practice acupuncture, hold himself out as practicing acupuncture, or use a title or description, including the following: C. A., Certified Acupuncturist; Acupuncturist; M. D., C. A.; M. D., Certified Acupuncturist; or any other letters or words denoting that the person so practices acupuncture. A person who is participating in an approved course of study, school or tutorial program in acupuncture may practice acupuncture under conditions established by the board.

The State Board of Medical Examiners may suspend or revoke a license to practice medicine and surgery, upon proof to its satisfaction that the holder thereof practiced acupuncture contrary to the provisions of this act or employed a person who practiced acupuncture without certification.

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L.1983, c. 7, s. 7, eff. Jan. 18, 1983. Amended by L.1984, c. 76, s. 2.

45:2C-8. Practice of acupuncture by physician, surgeon or dentist

Nothing in this act shall be construed to prevent the practice of acupuncture by a person licensed as a physician and surgeon or dentist, provided his course of training has included acupuncture.

L.1983, c. 7, s. 8, eff. Jan. 18, 1983.

45:2C-9. Applicants for certification; qualifications; evaluation; determination of admission

Each person desiring to obtain a certification to practice acupuncture shall make application therefor to the board upon such form and in such manner as the board shall prescribe and shall furnish satisfactory evidence to the board that he:

- a. Is at least 21 years of age;
- b. Is of good moral character; and
- c. (1) Has a baccalaureate degree and has successfully completed a board approved two-year course of study or a board approved two-year program of a school of acupuncture; or (2) has successfully completed a board approved tutorial program in acupuncture or at least three years' experience practicing acupuncture within three years after the enactment of this act, which is recognized by the board; or (3) is the holder of a license to practice medicine and surgery. The application shall be accompanied by the fee prescribed by the board.

The board shall evaluate each applicant applying for a certificate to practice acupuncture and make the final determination regarding each applicant's admission to the examination and the issuance or denial of a certificate.

L.1983, c. 7, s. 9, eff. Jan. 18, 1983. Amended by L. 1984, c. 76, s.

45:2C-10. Examinations; reexamination after failure to pass

The board shall administer an examination to applicants who comply with section 9 of this act. The examination shall be written in the English language and shall test the applicant's knowledge of the practice of acupuncture, human anatomy, modern sterilization techniques, the storage and handling of sterile equipment, and such other subjects as the board may require. The examination shall include a practical test of the skills required to competently practice acupuncture, and demonstrate the applicant's ability to meaningfully communicate in English with a patient regarding the patient's acupuncture treatment. Examinations shall be held within the

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State at least once a year at a time and place to be designated by the board. If an applicant fails to pass the examination, he may be reexamined at the next examination upon payment of the reexamination fee.

L.1983, c. 7, s. 10, eff. Jan. 18, 1983.

45:2C-11. Certification to be certified

The board shall certify each applicant who passes the examination, in accordance with standards fixed by it and who is not disqualified to be certified pursuant to the provisions of this act or P.L.1978, c. 73 (C. 45:1-14 et seq.)

L.1983, c. 7, s. 11, eff. Jan. 18, 1983.

45:2C-12. Duration of certificate; renewal; fee; expired certificates

Certificates shall be valid for 2 years and shall be renewed biennially. An acupuncturist shall pay a renewal fee to the board on or before July 1 of the year in which his certificate expires. If the renewal fee is not paid by that date, the certificate shall automatically expire. A certificate which has thus expired may, within 5 years of its expiration, be renewed on payment to the board of all past due renewal fees and the delinquency fee. After the 5 year period a certificate may be renewed only by complying with the provisions of this act relating to the issuance of a certificate.

L.1983, c. 7, s. 12, eff. Jan. 18, 1983.

45:2C-13. Standards for approval of courses of study, schools, tutorial programs and practical experience

a. The board shall establish standards for the approval or recognition of courses of study, schools, tutorial programs and practical experience in acupuncture, completion of which will satisfy the requirements of subsection c. of section 9 of this act.

b. The board shall approve or recognize training or practical experience acquired by an applicant prior to the effective date of this act, where the training or practical experience meets the standards set by the board.

L.1983, c. 7, s. 13, eff. Jan. 18, 1983. Amended by L.1984, c. 76, s. 4.

45:2C-14. Tutorial programs; approval of acupuncturist to supervise; duration of approval; renewal; fee; expired approvals

A tutorial program in acupuncture shall be provided under the supervision of an acupuncturist approved by the board. To obtain approval an acupuncturist shall:

a. Make application therefor to the board upon such form and in such manner as the board shall prescribe, accompanied by payment of the

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prescribed fee;

- b. Be certified to practice acupuncture in this State;
- c. Have at least seven years' experience practicing acupuncture.

An approved acupuncturist shall supervise no more than two students at one time and shall inform the board in writing of the names of the students the acupuncturist is supervising and any other information the board may require.

Approvals shall be granted for one year and shall be renewed annually. An approved acupuncturist shall pay a renewal fee prescribed by the board to the board on or before July 1 of each year. If the renewal fee is not paid by that date, the approval shall automatically expire. Approval which has thus expired may, within one year of its expiration, be renewed on payment to the board of the past due renewal fee and a delinquency fee. After the one year period approval may be renewed only by complying with the provisions of this section.

L.1983, c. 7, s. 14, eff. Jan. 18, 1983. Amended by L.1984, c. 76, s. 5.

45:2C-15. Continuing education; standards

The board shall establish standards for the continuing education of acupuncturists.

L.1983, c. 7, s. 15, eff. Jan. 18, 1983.

45:2C-16. Posting certificate; notice of change of address or location of office

Before practicing acupuncture, an acupuncturist shall post his certificate in a conspicuous location in his office. If an acupuncturist has more than one office, he shall obtain from the board a duplicate certificate for each additional office. Where a certificate or duplicate is lost or destroyed, notice of the loss or destruction shall be given to the board forthwith and the board may issue a copy thereof. An acupuncturist shall notify the board in writing of any change of address or location of his office at least 5 days prior to the change, returning therewith his certificate and any duplicates, so that the board may either endorse thereon the change or issue a new certificate and duplicates as of the same date as the original certificate, in lieu of the certificate and duplicates so surrendered.

L.1983, c. 7, s. 16, eff. Jan. 18, 1983.

45:2C-17. Refusal to grant or suspension or revocation of certificate

In addition to the provisions of section 8 of P.L.1978, c. 73 (C. 45:1-21), the board may refuse to grant or may suspend or revoke a certificate to

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practice acupuncture upon proof to the satisfaction of the board that the holder thereof has:

- a. Employed uncertified persons to practice acupuncture; or
- b. Advertised the practice of acupuncture so as to disseminate false, deceptive or misleading information, whether as an individual, through a professional service corporation or through a third party.

L.1983, c. 7, s. 17, eff. Jan. 18, 1983.

45:2C-18. Annual report

For 5 years following enactment of this act the board shall submit a report to the Legislature in January of each year. The report shall include, but not be limited to, a summary of the implementation of this act; the number of acupuncturists certified in the preceding year; and a description of all complaints received and disciplinary action taken against acupuncturists by the board and State Board of Medical Examiners in the preceding year. The report may include any legislative bills which the board may desire to recommend for adoption by the Legislature.

L.1983, c. 7, s. 18, eff. Jan. 18, 1983.